



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,047	03/31/2004	Richard A. Forand	80107.183US1	6169

7590 09/20/2007
LeMoine Patent Services, PLLC
c/o PortfolioIP
P.O.Box 52050
Minneapolis, MN 55402

EXAMINER

HO, DUC CHI

ART UNIT	PAPER NUMBER
----------	--------------

2616

MAIL DATE	DELIVERY MODE
-----------	---------------

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,047

Applicant(s)

FORAND ET AL.

Examiner

Duc C. Ho

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-29 is/are rejected.
- 7) ☒ Claim(s) 10-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-9, 12-18, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 2004/0128319), hereinafter referred to as Davis.

Regarding claim 1, Davis discloses system and method for automatically finding gaming partners based on pre-established criteria. The mobile phone 200-fig.2 is able to communicate with a laptop 230-fig.2 via Bluetooth protocol, i.e., VPAN, see 0034.

Davis, however, does not disclose the use of the mobile phone to cause the laptop computer to participate in game participant selection server 260-fig.2 via a local wireless transceiver 240-fig.2 (corresponding to a network other than the WPAN).

One skill in the art would recognize the advantage of using the mobile to cause the laptop computer to connect to the server 260 for gaming participation. The motivation is that the display of the Laptop computer is much larger than that of the mobile phone for playing game.

It would have been obvious to a person of ordinary skill in the art at the time invention was made, to activate the laptop for connection to the game server 260 by using the mobile phone. The suggestion/motivation for doing so would have been to provide a larger display for playing game.

Regarding claim 2, the network other than the Bluetooth one could be a wireless local area network, see fig. 2.

Regarding claim 3, in Davis the WLAN is a 802.11 compliant network.

Regarding claim 4, the wireless transceiver 135-fig.1 is a WWAN.

Regarding claim 5, in Davis connectivity between game participant selection server 160 and a wireless device may be provided by wireless transceiver 135, such as, but not limited to, one supporting general packet radio service (GPRS), see 0031.

Regarding claim 6, the mobile phone 100-fig.1 is a handheld device.

Regarding claim 7, the mobile phone 300-fig.3 communicates with the laptop 330-fig.3 with a Bluetooth compliant protocol.

Regarding claim 8, this claim has similar limitations as claim 1. Therefore, it is rejected under Davis for the same reasons set forth in the rejection of claim 1.

Regarding claim 9, the laptop 230-fig.2 connecting to the network 240-fig.2 to the server 260 in response to the request from the mobile phone 200-fig.2.

Regarding claim 12, the laptop 230fig.2 is capable of notifying the mobile phone that made the request.

Regarding claim 13, the request from the mobile phone to the laptop could include a request to connect to a corporate network.

Regarding claim 14, the request to connect to the corporation could be authorized by using cached credentials.

Regarding claims 15-18, these claims have similar limitations as claims 2-5, respectively. Therefore, they are rejected under Davis for the same reasons set forth in the rejection of claims 2-5.

Regarding claims 23-25, these claims have similar limitations as claims 1-2, and 7, respectively. Therefore, they are rejected under Davis for the same reasons set forth in the rejection of claims 1-2, and 7.

4. Claims 19-22, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusch (US 2003/0100308).

Regarding claim 19, Rusch discloses device and method for intelligent wireless communication selection. The wireless communication device 100-fig.1 could be a laptop computer, see [0009]. The device includes a Bluetooth interface 108-fig.1 (corresponding to a WPAN), a WLAN interface 106-fig.1, and a controller 110-fig.1 to access the interfaces. The controller 110-fig.1 is able to access the system processor 120-fig.1 and the system information 118-fig.1, see [0022].

Rusch, however, does not expressly disclose the controller access memory shared with a microprocessor in a computer while the microprocessor is in a low power state.

It would have been obvious to a person of ordinary skill in the art at the time invention was made, to design a computer such that its microprocessor is in low power state when there is no applications or logics to perform, but would be activated from such a sleep mode, for performing a certain application by accessing the instructions stored in the memory within the computer.

Regarding claim 20, the Bluetooth interface 108-fig.1 is a WPAN interface compatible.

Regarding claim 21, in Rusch the WLAN interface 106-fig.1 should be an interface that is 802.11 compatible.

Regarding claim 22, the controller 110-fig.1 is able to communicate with a Bluetooth enabled device, i.e., another device 100-fig.1, using the WPAN interface, or another WLAN device using the WLAN interface while the processor 120-fig.1 is in the low power state.

Regarding claim 26, this claim has similar limitations as claim 19. Therefore, it is rejected under Rusch for the same reasons set forth in the rejection of claim 19.

Regarding claims 27-28, these claims have similar limitations as claims 20-21, respectively. Therefore, they are rejected under Rusch for the same reasons as set forth in the rejection of claims 20-21.

Regarding claim 29, the device 100 could function as a notebook computer.

Allowable subject matter

5. Claims 10-11 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Timothy et al. (US 2003/0114206); Fleck et al.(US 2005/0066006); Lei et al.(US

Art Unit: 2616

2003/0158891); Bahl et al.(US 2004/0259589) are cited to show remote operations using wireless personal area, which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

09-04-07